IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4282 of 1994

For Approval and Signature:

HON'BLE MR.JUSTICE AKIL KURESHI

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MM PATHAN

Versus

COLLECTOR

Appearance:

1. Special Civil Application No. 4282 of 1994

MR IS SUPEHIA for Petitioner No. 1

MR AR SHAIKH for Petitioner No. 1

MR KR BRAHMBHATT for Petitioner No. 1

Mr. N.D. Gohil, AGP for Respondent No. 1

MR DA BAMBHANIA for Respondent No. 1

RULE SERVED for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE AKIL KURESHI

Date of decision: 15/09/2004

ORAL JUDGEMENT

1. The petitioner, in this petition, has made a grievance that his name has not been included in the seniority list maintained by the Collector, Panchmahals-the respondent no.1 herein though the case of the petition is supported and recommended by the General Administration Department of the Government of Gujarat and also the Forest Department.

2. The petitioner, in this petition, has stated that his name should be included in the seniority list maintained by the Collector, Panchmahals i.e. the respondent no.1. In fact, by letter dated 3rd October, 1992, the respondent no.2 requested the respondent no.1 to fix the seniority of the petitioner from the date of his regularisation. It is also the case of the petitioner that the petitioner had made a representation on 14th February, 1994 requesting that his case may be considered as per the earlier correspondence. The learned Advocate for the petitioner has stated that so far the respondent no.1 has not taken any decision with respect to the inclusion of the petitioner's name in the seniority list maintained by him.

3. Considering the fact that the petitioner is clamouring for inclusion of his name in the seniority list maintained by the respondent no.1 since 1994, and considering that the Government also appears to be supporting the case of the petitioner, it is expected that the respondent no.1 shall take a decision with respect to the representation of the petitioner within a period of one month from the date of receipt of the copy of this order, and will keep in mind the communication dated 8th October, 1992 and 23rd September, 1992 as at Annexures "B" and "C" to this petition.

4. With these directions, the petition is disposed of. It will be open for the petitioner to challenge the decision of the Collector, in case the same is adverse to the petitioner. Rule is made absolute to the above extent. No orders as to costs.

(Akil Kureshi,J.)

stanley-ak.